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Standing Committee on Procedural Affairs

Report on Private Bill Procedures



1st Session 32nd Parliament
30 Elizabeth II

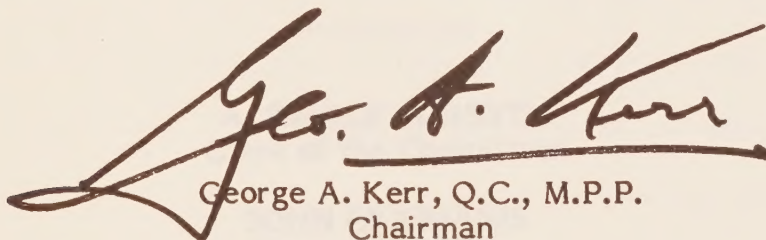


LEGISLATIVE ASSEMBLY
ASSEMBLÉE LÉGISLATIVE

The Honourable John M. Turner, M.P.P.
Speaker of the Legislative Assembly

Sir,

Your Standing Committee on Procedural Affairs has the honour to present its Report and commends it to the House.


George A. Kerr, Q.C., M.P.P.
Chairman

Queen's Park
14 December 1981

**MEMBERSHIP OF THE STANDING COMMITTEE
ON PROCEDURAL AFFAIRS**

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Your Committee recommends that Part XI of the Standing Orders be revoked and the following substituted therefor:

XI. PRIVATE BILLS

Bill and
fee filed
with Clerk

65. (a) Any person, group or corporation may make an application for a Private Bill by filing with the Clerk of the House,

- (i) a copy of the Bill;
- (ii) a fee of \$500; and
- (iii) a declaration proving publication of the notices referred to in clause (e).

Applicant
to pay cost
of printing

(b) Every applicant for a Private Bill shall pay,

- (i) the cost of printing the Bill;
- (ii) the cost of reprinting the Bill if it is amended; and
- (iii) the cost of printing the Act in the annual Statutes.

Other
charges

(c) Where, at the request of the applicant, a Standing Order is suspended with reference to a Private Bill, a charge of \$50 shall be levied.

Remission
of fee

(d) Where a Private Bill relates to a charitable organization within the meaning of the Income Tax Act (Canada), the Committee considering the Bill may recommend that the fee paid under clause (a) be remitted and, if the recommendation is approved by the House, the remitted fee shall be applied to

reduce any costs payable under clause (b) and the Committee may, having regard to the circumstances, recommend that all or part of the costs payable under clause (b) be waived and, if the recommendation is approved by the House, the costs shall be waived.

Notice
published

(e) Notice of an application for a Private Bill shall be given before it is read a first time by publishing the notice once a week for at least four weeks in each of The Ontario Gazette and one newspaper circulated in the municipality most affected and the notice shall,

- (i) be signed by or on behalf of the applicant;
- (ii) clearly state the nature and object of the application;
- (iii) when the application refers to any proposed work, indicate generally the location of the work;
- (iv) where the application is by a municipal corporation for authority to issue debentures, set out the particulars of the existing debenture debt and the amount of the rateable property of the municipality according to the last revised assessment roll of the corporation and in brief and general terms, the object for which the new issue of debentures is required; and
- (v) state that persons wishing to be heard by the Standing Committee considering the Bill should notify the Clerk of the Legislative Assembly.

Period
of
notice

(f) Notice of an application for a Private Bill is valid for the calendar year in which the last notice is published and until the 1st day of July in the next following calendar year.

Dissolution
or
prorogation

(g) Where,

- (i) an application for a Private Bill is made during a Session but the Bill is not read a first time; or
- (ii) a Private Bill is read a first time but is not considered by a Standing Committee before dissolution or prorogation,

the application shall be considered during the next regular Session of the House without publishing further notice of the application and without payment of additional fees under clause (a).

Reference of
application to
Procedural
Affairs
Committee

66. The Clerk of the House shall refer to the Standing Committee on Procedural Affairs any application that, in his opinion, does not comply with the Standing Orders.

Letters
Patent,
etc.

67. When any Private Bill confirming any letters patent or agreement is presented to the House, a copy of the letters patent or agreement shall be included in the Bill.

Certificate
of Minister
of Revenue

68. No Private Bill relating to the status of a corporation shall be considered by a Standing Committee until there has been deposited with the Clerk of the House a certificate of the Minister of Revenue showing that all taxes payable under the Corporations Tax Act in respect of the corporation have been paid.

Referral

69. Every Private Bill when read a first time, shall, unless it is an Estate Bill or a Bill

providing for a consolidation of a floating debt or for the consolidation or renewal of debentures, other than local improvement debentures, of a municipal corporation, stand referred to a Standing Committee and all Petitions and correspondence to the House for or against the Bill stand referred to the Committee.

Certain
municipal
applications
referred to
O.M.B.

70. (a) Every Private Bill or part of a Bill of a municipal corporation providing for the consolidation of a floating debt or the consolidation or renewal of debentures, other than local improvement debentures, stands referred to the Ontario Municipal Board after first reading.

Report

(b) The Board, after due enquiry, shall report to the House whether or not it is reasonable that the Bill, or the part thereof relating to the matters referred to in clause (a), should pass and what, if any, alterations are necessary.

Report sent
to Clerk

(c) A report of the Ontario Municipal Board shall be transmitted to the Clerk of the House.

Bill and
report to
Committee

(d) The Bill and report shall stand referred to a Standing Committee.

Estate
Bills
referral

71. (a) Every Estate Bill or part of a Bill that contains an Estate Bill provision stands referred to the Commissioners of Estate Bills after first reading.

Report of
Commis-
sioners

(b) The Commissioners of Estate Bills, or any two of them, shall report their opinion on the Bill or the part thereof that has been submitted to them and whether, presuming the allegations contained in the Preamble to be proven to the satisfaction of the House, it is reasonable for the Bill or the part thereof to pass and what, if any, alterations are necessary.

Report sent
to Clerk

(c) A report of the Commissioners of Estate Bills shall be transmitted to the Clerk of the House.

Effect of
adverse
report

(d) Where the Commissioners of Estate Bills report that, in their opinion, it is not reasonable that the Bill or the part thereof submitted to them pass into law, the Bill or the part thereof shall not be further considered.

Bill and
report to
Committee

(e) Where the Bill or the part thereof submitted to the Commissioners of Estate Bills is reported favourably by the Commissioners, the Bill and the report shall stand referred to a Standing Committee and where only part of a Bill is submitted to the Commissioners and the Commissioners report that, in their opinion, it is not reasonable that the part pass into law, the Bill shall stand referred to a Standing Committee and the Committee shall amend the Bill by deleting therefrom the part to which the report relates.

Notice of
Committee
hearings

72. The Clerk of the House shall post on all notice boards five calendar days notice of the date on which any Private Bill is to be considered by a Committee and the notice shall be published in the Notice Paper.

Consent of
interested
person

73. Any person whose interest or property may be affected by a Private Bill, when required, shall appear before the Committee considering the Bill to express his consent or objection, or may consent in writing, proof of which may be demanded by the Committee.

On Order
Paper after
report

74. Private Bills when reported by a Standing Committee shall be placed on the Order Paper for second reading.

Reprinting
of amended
Bills

75. Private Bills amended by a Committee may be reprinted before further consideration, as the Clerk of the House may direct.

Referral
after second
reading

76. Private Bills, after second reading, shall be ordered for third reading, unless specially ordered referred to the Committee of the Whole House.

Notice
required to
dispense with
Standing
Orders

77. Except when waived by unanimous consent of the House, notice is required for a motion to dispense with any Standing Order relating to Private Bills.

Private
Bill
Register

78. A Private Bill Register shall be kept in the office of the Clerk of the House, in which shall be entered, by the Clerk appointed for that purpose, the name, description, and place of residence of the parties applying for the Bill, or of their agent, and all the proceedings thereon, such register to be open to public inspection daily, during office hours.

Parliamen-
tary Agents

79. (a) Every Parliamentary Agent conducting proceedings before the House is personally responsible to the House and to the Speaker for the observance of the Standing Orders and Practices of Parliament, and also for the payment of all fees and charges.

Misconduct
of
Agent

(b) Any Parliamentary Agent who wilfully acts in violation of the Standing Orders and Practices of Parliament, or who wilfully misconducts himself in prosecuting any proceedings before the House, is liable to an absolute or temporary prohibition to practise as a Parliamentary Agent, at the pleasure of the Speaker.

Your Committee recommends that, notwithstanding the adoption of the preceding recommendation, where the first notice of an application for a Private Bill is published before the 1st day of February, 1982, the fee charged for the application shall be \$150 and Standing Order 65(e)(v) shall not apply to any such application.

Your Committee further recommends that the Clerk of the House publish weekly in The Ontario Gazette the following notice:

APPLICATIONS TO PARLIAMENT
PRIVATE BILLS

PUBLIC NOTICE

The rules of procedure and the fees and costs related to applications for Private Bills are set out in the Standing Orders of the Legislative Assembly. Copies of the Standing Orders may be obtained from:

The Clerk of the Legislative Assembly
Room 104, Legislative Building
Queen's Park
Toronto, Ontario
M7A 1A2

Telephone 416/965-1406

Applicants should note that consideration of applications for Private Bills that are received after the 1st day of September in any calendar year may be postponed until the first regular Session in the next following calendar year.

Finally, your Committee recommends that the Standing Orders be amended by adding thereto the following Standing Order:

Bills
initialled
and signed

86a. (a) The Chairman of a Committee considering a Bill shall initial each section of the Bill as it is passed and sign the Bill.

Amendments

(b) Amendments shall be clearly indicated in the signed copy and the amendments or additions shall be initialled by the Chairman.

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